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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

04-41PUS

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on _____

Signature _____

Typed or printed name _____

Application Number

10/573,446

Filed

March 24, 2006

First Named Inventor

Lin Hai, et al.

Art Unit

2879

Examiner

Thomas A. Hollweg

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 48,317

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Scott M. Tulino

Typed or printed name

703-761-4100

Telephone number

April 8, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No. 04-41PUS
(EBI.053)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Lin Hai, et al.

Serial No.: 10/573,446

Group Art Unit: 2879

Filed: March 24, 2006

Examiner: Thomas A. Hollweg

For: PLASMA DISPLAY PANEL AND METHOD OF MANUFACTURING
SAME

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Prior to developing a formal Appeal Brief, Appellants submit the following argument for review by more experienced Examiners under the Pre-Appeal Brief Conference.

Appellants concurrently file herewith a Notice of Appeal.

Appellants hereby request that the Conference attendees refer to the full argument of Appellants on pages 12-14 of the Amendment filed Under 37 C.F.R. § 1.111, filed on October 20, 2008, and do not herein repeat these arguments in their entirety.

In rejecting the claims in the Final Office Action dated January 26, 2009, the Examiner alleges, “[b]ased on the size and configuration of the magnesium oxide crystals disclosed by Miyashita, the magnesium oxide layer would be capable of emitting a cathode-luminescence emission having a peak within a wavelength range of 200 nm to 300 nm upon being excited by electron beams.” (See Office Action dated January 26, 2009 at page 3). The Examiner, however, is clearly incorrect.

As pointed out in the Amendment filed on October 20, 2008, the columnar crystal 161

and the seed crystals 163 formed by vacuum evaporation in Miyashita cannot emit a CL emission having a peak within a wavelength range of 200 nm to 300 nm upon excitation by an electron beam, and there is no teaching or suggestion in Miyashita to support that the columnar crystal 161 and the seed crystals 163 can emit a CL emission having a peak within a wavelength range of 200 nm to 300 nm upon excitation by an electron beam (see 1.132 Declaration filed October 20, 2008). The data submitted with the 1.132 Declaration establishes this assertion.

Specifically, Figures A-E in the Declaration clearly show that the columnar crystals 161 and the seed crystals 163 formed by vacuum evaporation in Miyashita cannot emit CL emission having a peak within a wavelength range of 200nm to 300nm upon excitation by an electron beam.

Furthermore, the Examiner has not provided any proof that MgO crystals disclosed in Miyashita emit CL emission with a peak wavelength of 200nm to 300nm by being excited by an electron beam. The opinion that magnesium oxide crystal having the size disclosed in Miyashita inherently emits CL emission with a peak wavelength of 200nm to 300nm by being excited by an electron beam is merely the unsupported opinion of the Examiner.

In view of the foregoing arguments, along with those arguments currently of record, Appellants submit that there exists a clear error in the Examiners' rejection.

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The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: April 8, 2009

Respectfully Submitted,



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